

1 X-PATENTS, APC
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8 Attorneys for Plaintiff
9 Mobile Commerce Framework, Inc.

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 MOBILE COMMERCE FRAMEWORK,
13 INC.,

14 Plaintiff,

15 v.

16 FOURSQUARE LABS, INC.,

17 Defendant.

Case No. 11-CV-0481-BEN (BLM)

ANSWER TO COUNTERCLAIMS

JURY TRIAL DEMANDED

18
19 Plaintiff Mobile Commerce Framework, Inc. ("MCF") answers the Counterclaims
20 of Defendant Foursquare Labs, Inc. ("Foursquare") as follows:
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22 **PARTIES**

23 1. Admitted.

24 2. Admitted.
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JURISDICTION AND VENUE

3. Paragraph 3 states a legal conclusion to which no response is required.

4. Admitted.

COUNT I

DECLARATION OF NONINFRINGEMENT OF U.S. PATENT NO. 7,693,752

5. Paragraph 5 states a legal conclusion to which no response is required.

6. Denied.

COUNT II

DECLARATION OF INVALIDITY OF U.S. PATENT NO. 7,693,752

7. Denied.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. MCF alleges that Foursquare's counterclaims fail to state facts sufficient to constitute a claim for relief against MCF.

SECOND AFFIRMATIVE DEFENSE

(Unclean Hands)

2. Foursquare is barred from asserting claims herein, and is not entitled to an award of the damages or other relief sought herein, by reason of Foursquare's own unclean hands.

1 WHEREFORE, MCF prays that Foursquare take nothing from its counterclaims;
2 that the counterclaims be dismissed with prejudice; that MCF be awarded its costs and
3 attorneys fees under 28 U.S.C. § 285 or otherwise; and for such other and further relief as
4 the Court deems just and proper.
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6 Dated: May 20, 2011

X-PATENTS, APC

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8 By: s/ Jonathan Hangartner

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10 _____
JONATHAN HANGARTNER

11 Attorneys for Mobile Commerce Framework, Inc.
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Mobile Commerce Framework, Inc. v. Foursquare Labs, Inc
USDC (SD Cal.) Case No. 11-cv-0481-BEN (BLM)

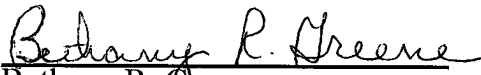
CERTIFICATE OF SERVICE

I am employed in the County of San Diego; I am over the age of eighteen years and not a party to the within entitled action; my business address is 5670 La Jolla Boulevard, La Jolla, CA 92037.

On May 24, 2011, a true and correct copy of **ANSWER TO COUNTERCLAIMS** was served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

☒ **FEDERAL:** I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 24, 2011, at La Jolla, California.


Bethany R. Greene